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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mr. Khan, Mrs. Koufa, Ms. Warzazi and Mr. Yimer: draft resolution

Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991 in which it decided to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Recalling also Economic and Social Council decision 1992/256 of 20 July 1992, in which the Council endorsed the appointment of Mrs. Daes as Special Rapporteur with the mandate to prepare a study on the protection of the cultural and intellectual property of indigenous peoples,

Recalling further Commission on Human Rights decision 1994/105 of 4 March 1994 by which it decided to endorse the request of the Sub-Commission to the Special Rapporteur to expand her study on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28) with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session; and that the title of the study as a whole should be "Protection of the heritage of the indigenous people",

Noting Commission on Human Rights resolution 1994/29 of 4 March 1994, in particular paragraph 14 in which it expressed its appreciation to the Special Rapporteur for her timely completion of the study,

Having considered the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/31),

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her comprehensive preliminary report on the protection of the heritage of indigenous people, as well as for her recommendations, and for the proposed principles and guidelines contained in the annex to the report;

2. Endorses the recommendations contained in the report, as well as the principles and guidelines which will constitute, after their adoption by the General Assembly, the first formal step towards committing the United Nations system to the protection of the heritage of indigenous people;

3. Requests the Secretary-General to submit the principles and guidelines to indigenous people's organizations, nations and communities, Governments, specialized agencies and intergovernmental and non-governmental organizations concerned for their comments;

4. Requests the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session;

5. Requests the Secretary-General to provide the Special Rapporteur, with the necessary assistance to enable her to carry out her mandate successfully;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, noting resolution 1944/ ... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

decides to endorse the request to the Secretary-General to submit the principles and guidelines annexed to the preliminary report of the Special Rapporteur to indigenous people's organizations, communities and nations, as well as to Governments, specialized agencies and inter-governmental and non-governmental organizations concerned, for their comments; the request to the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session; and the request to the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her mandate successfully. The Commission recommends to the Economic and Social Council the following draft decision for adoption:

> 'The Economic and Social Council, noting decision 1995/... of ... February 1995 of the Commission on Human Rights, welcomes the preliminary report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31) and the relevant principles and guidelines contained in its annex, expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, requests the Secretary-General to submit the principles and guidelines to indigenous people's organizations, communities and nations, as well as to Governments, specialized agencies and inter-governmental and non-governmental organizations concerned for their comments, authorizes the Special Rapporteur to prepare her final report taking into consideration, inter alia, the comments and information received and to submit it to the Sub-Commission at its forty-seventh session, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to carry out her mandate successfully.'"